IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 10TH JULY 2007 / 19TH ASHADHA 1929

WA.No. 113 of 2004(B)

AGAINST THE JUDGEMENT IN OP.14367/2003 Dated 29/09/2003
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APPELLANT/PETITIONER

VAZHIKKADAVU TOWN KSHEEROLPADAKA
SAHAKARANA SANGHAM LTD. NO.M.660 (APCOS)
VAZHIKKADAVU P.O., MALAPPURAM DISTRICT, REP.
BY ITS PRESIDENT, VINAYACHANDRAN.V.

BY ADV. SRI.K.RAMAKUMAR

RESPONDENTS/RESPONDENTS
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1. STATE OF KERALA, REPRESENTED BY
SECRETARY TO GOVERNMENT OF KERALA,
DAIRY DEPARTMENT, THIRUVANANTHAPURAM

2. THE JOINT REGISTRAR OF CO-OPERATIVE
SOCIETIES (DAIRY), THIRUVANANTHAPURAM.

3. THE KERALA CO-OPERATIVE MILK MARKETING
FEDERATION (MILMA), REPRESENTED BY ITS
MANAGING DIRECTOR, THIRUVANANTHAPURAM

4. MOTHER DAIRY FOODS LTD., REPRESENTED
BY ITS MANAGING DIRECTOR, PATPARGANJ, DELHI.

5. THE MALABAR REGIONAL CO-OPERATIVE MILK
PRODUCERS UNION LTD.NO.D 89 (D) PERINGALAM, KOZHIKODE.

6. THE NATIONAL CO-OPERATIVE DAIRY
FEDERATION OF INDIA LTD., ANAND 388 001,
GUJARAT, REPRESENTED BY ITS CHAIRMAN.

R1 & R2 BY SPECIAL GOVERNMENT PLEADER SMT.A.G.ANEETHA
R3 & R5 BY ADV.SRI.K.ANAND
SRI.B.S.KRISHNAN (SR.)
SRI.M.PATHROSE MATHAI
SRI.SAJI VARGHESE
SMT.LATHA KRISHNAN

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 10/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & K.T.SANKARAN, J.

W.A.No.113 of 2004

Dated, this the 10th day of July, 2007

JUDGMENT

H.L.Dattu, C.J.

Appellant is a milk society registered under the provisions of the Kerala Co-operative Societies Act. The 5th respondent is also a milk co-operative society. The appellant and the 5th respondent are affiliated members of the third respondent Milk Marketing Federation (MILMA). The third respondent had entered into an arrangement with the 4th respondent in so far as marketing rights are concerned. Aggrieved by the said action, the appellant society was before this Court in O.P.No.14367 of 2003. In the original petition the appellant did not succeed. That is how they are before us in this appeal.

2. Mr.K.Anand, learned counsel appearing for respondents 3 and 5 in the appeal would inform us that the arrangement that was done by the 5th respondent with the 4th respondent was only for a period of one year and since that has expired the relief sought in the writ petition as well as in the writ appeal would not survive for consideration of this Court.

3. We do not doubt the assertion made by Sri.Anand, learned counsel appearing for respondents 3 and 5. Therefore, in our opinion, as on today the relief sought for by the appellant in this writ appeal would not survive for consideration of this Court. Accordingly the writ appeal is disposed of as having become unnecessary.

Ordered accordingly.

(**H.L.DATTU)**
CHIEF JUSTICE

(K.T.SANKARAN)
JUDGE

vns